

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gail P. Smith,)
Plaintiff,) C/A No.: 9:06-1949-MBS
vs.)
Michael J. Astrue, Commissioner of)
Social Security,)
Defendant.)

)

OPINION AND ORDER

Plaintiff Gail P. Smith filed an application for disability insurance benefits on April 24, 2003, alleging disability since August 3, 2002 because of degenerative disc disease with resulting chronic lower back pain, recurrent bronchitis, depression, and seizure disorder. On October 8, 2003, she was determined to have been disabled and entitled to disability insurance benefits as of June 26, 2003. Plaintiff requested reconsideration, alleging that her disability commenced on August 3, 2002. Plaintiff's request for reconsideration was denied on June 24, 2004. Plaintiff requested a hearing before an administrative law judge ("ALJ"). The ALJ held a hearing on October 7, 2005. On March 13, 2006, the ALJ issued a decision that Plaintiff was entitled to a period of disability commencing June 26, 2003, and to disability insurance benefits under the provisions of sections 216(i) and 223, respectively, of the Social Security Act. The ALJ determined that Plaintiff was not disabled prior to June 26, 2003. The decision of the ALJ became the "final decision" of the Commissioner on May 9, 2006, after the Appeals Council determined that there was no basis for granting Plaintiff's request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the "final decision" of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred

to United States Magistrate Judge George C. Kosko. On May 29, 2007, the Magistrate Judge filed a Report and Recommendation of the Magistrate Judge in which he recommended that the Commissioner's decision be affirmed. No party filed objections to the Report and Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the Commissioner's decision is **affirmed**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 22, 2007.